

**M. How Much Time do Grant Recipients Have to Complete the work Proposed?**

Activities must be completed within the time frame specified in the grant award, usually one or two years from award date. Grant project periods may be approved for up to two years.

**N. Who Will Develop and Manage the Partnerships?**

Grant recipients are responsible for the successful development and management of all projects. All applications must identify a project manager. The recipient's project manager is subject to approval by the EPA project officer, but EPA may not direct that any particular person be the project officer. The lead institution (applicant) is recognized as the grantee and as such is responsible for all activities under the agreement.

**O. What Reports Must Grant Recipients Complete?**

Recipients of grants will be expected to report on quarterly progress, as well as final project completion. All recipients must submit final reports for EPA approval prior to the expiration of the project period. Specific reporting requirements will be detailed in the award agreement. EPA plans to collect, evaluate, and as appropriate, disseminate grantees' final reports to serve as model programs. Since networking is crucial to the success of the program, grantees may be asked to transmit an extra copy to a central collection point.

**P. What is the Expected Time frame for the Review and Awarding of the Grants?**

December 1, 1995

Request for Applications Published in the Federal Register

December 1, 1995–March 2, 1996

Eligible grant recipients develop their proposals

March 2, 1996

Proposals must be postmarked or received by EPA by this date

March 2, 1996–May 1, 1996

Federal Agency Officials and review panel evaluate and recommend award selection

May 1, 1996–June 30, 1996

EPA Grants Administration Division processes grants. Applicants will be contacted by the grants office if their proposals were selected for funding. Additional information may be required from the selectees.

August 1, 1996

EPA anticipates the awarding of the grants and the beginning of the partnership projects/activities.

**Fiscal Year 1997 Grants**

To Receive Information on the Fiscal Year (FY) 1997 Environmental Justice Community/University Partnership (CUP) Grants Program and future year grants, please mail or fax your request along with your name, organization, address, and phone number to the Office of Environmental Justice (OEJ), FY 1997 CUP Grants. OEJ's address is provided in Section H. OEJ's fax number is (202) 260-0852. You may also obtain this information by calling OEJ's 24 hour hotline number 1-800-962-6215

**Available Translations**

A Spanish translation of this announcement is available upon request. Please call the Office of Environmental Justice at 1-800-962-6215 for a copy.

Hay traducciones disponibles en español. Si usted está interesado en obtener una traducción de este anuncio en español, por favor llame a la Oficina de Justicia Ambiental conocida como "Office of Environmental Justice", línea de emergencia (1-800-962-6215).

**Working Definitions**

**Tribes**—all federally recognized American Indian tribes (including "Alaskan Native Villages"), pueblos, and rancherios. Although the term "tribe," as defined in this notice, refers to only "federally recognized tribes," state recognized tribes or indigenous peoples organizations are able to apply for grant assistance as "other eligible grass-roots organizations" as long as they meet the definition of an incorporated, nonprofit organization.

**Nonprofit**—means any corporation, trust, association, cooperative, or other organization which (1) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses its net proceeds to maintain, improve, and/or expand its operations.

November 27, 1995.

Clarice E. Gaylord,

Director, Office of Environmental Justice.

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BILLING CODE 6560-50-P

**[FRL-5340-3]****State of New Jersey; Final Partial Program Determination of Adequacy of State/Tribal Municipal Solid Waste Landfill Permit Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Final Partial Program Determination of Adequacy on New Jersey's Application.

**SUMMARY:** Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that Municipal Solid Waste Landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR 258). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule governing such determinations. EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency has approved and will continue to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide for interaction between the State/Tribal and the owner/operator regarding site-specific permit conditions. Only those owner/operators located in States/Tribes with approved permit programs can use the site-specific flexibility provided by Part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribal and the permit status of any facility, the federal landfill criteria will apply to all permitted and unpermitted MSWLF facilities.

The State of New Jersey applied for a partial program determination of adequacy under Section 4005 of RCRA. EPA reviewed New Jersey's application and made a tentative determination of adequacy for those portions of the MSWLF permit program that are adequate to ensure compliance with the revised MSWLF Criteria. After reviewing all comments received, EPA today is granting final partial approval to New Jersey's program.

**EFFECTIVE DATE:** The partial program determination of adequacy for New Jersey shall be effective on December 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Lorraine Graves, U.S. EPA Region II, Mail code 2AWM, 22nd Floor, 290 Broadway, New York, New York, 10007-1866, telephone: (212) 637-4099.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR Part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that facilities comply with the Federal Criteria under Part 258. Subtitle D also requires in Section 4005 that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the Agency has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends to propose in STIR to allow partial approval if: 1) the Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with Part 258; 2) changes to a limited narrow part(s) of the State/Tribal permit program are needed to meet these requirements; and, 3) provisions not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset of Part 258. As provided in the October 9, 1991, municipal landfill rule, EPA's national Subtitle D standards took effect in October, 1993. Consequently, any portions of the Federal Criteria which are not included in an approved State/Tribal program by October, 1993, would apply directly to the owner/operator. The requirements of the STIR, if promulgated, will ensure that any mixture of State/Tribal and Federal rules that take effect will be fully workable and leave no significant gaps in environmental protection. These practical concerns apply to individual partial approvals granted prior to the promulgation of the STIR rule. Consequently, EPA reviewed the program approved today and concluded that the New Jersey permit program and the Federal requirements mesh reasonably well and leave no significant gaps. Partial approval will allow the

Agency to approve those provisions of the New Jersey permit program that meet the requirements and provide the State time to make necessary changes to the remaining portions of its program. As a result, owners/operators will be able to work with the New Jersey permitting agency to take advantage of the Criteria's flexibility for those portions of the program which have been approved.

EPA has reviewed New Jersey's requirements to determine whether they are "adequate" under section 4005(c)(1)(C) of RCRA. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in Section 7004(b) of RCRA. Finally, EPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an "adequate" program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program. EPA also is requesting States/Tribes seeking partial program approval to provide a schedule for the submittal of all remaining portions of their MSWLF permit programs. EPA notes that it intends to propose to make submissions of a schedule mandatory in STIR.

On March 3, 1994, the State of New Jersey submitted an application to obtain a partial program adequacy determination for its municipal solid waste landfill permit program. Additional material was submitted on July 21, 1994 and September 6, 1994. On October 28, 1994, EPA published a tentative partial determination of adequacy for New Jersey's program. Further background on the tentative partial program determination of

adequacy appears at 59 FR 54190, October 28, 1994.

Along with the tentative determination, EPA announced the availability of the application for public comment. The New Jersey application for partial program adequacy determination was available for public review and comment at the New Jersey Department of Environmental Protection in Trenton, New Jersey and at the EPA Region II Library in New York, New York. The public comment period commenced on October 28, 1994 and ended on December 14, 1994.

Although RCRA does not require EPA to hold a hearing on any determination to approve a State/Tribe's MSWLF program, the Region scheduled a public hearing on this tentative partial determination. A public hearing was held in Trenton, New Jersey on December 14, 1994. A summary of the comments received, and EPA's responses thereto is contained in the public comment section of this notice.

On March 3, 1994, the State of New Jersey submitted an application for partial determination of adequacy of its solid waste landfill permit program. Certain revisions and amendments were submitted on July 21, 1994 and September 6, 1994. The application addressed all components of 40 CFR Part 258 and discussed New Jersey's enforcement authority, provisions for citizen participation, and the current status of solid waste landfills within the State. EPA reviewed New Jersey's application and tentatively determined that the State's program met the requirements necessary to qualify for a determination of partial program approval of adequacy to ensure compliance with the Federal Criteria with the exception of Subpart E—Ground-Water Monitoring and Corrective Action. Upon appropriate adoption of revisions to its existing ground-water regulations, it is expected that New Jersey will become eligible for full approval, which will include Subpart E—Ground-Water Monitoring and Corrective Action. New Jersey has provided a revised schedule for adoption of proposed regulatory revisions. The revised regulations are expected to be fully effective by late 1996, rather than by the end of 1995 as set forth in the original schedule. EPA has reviewed the revised schedule and concluded that it is reasonable. In addition, all of the New Jersey solid waste regulations are scheduled to be re-adopted during the 1995-1996 period to comply with the Governor's Executive Order #66 requiring periodic re-adoption of administrative rules.

**B. Public Comment**

A summary of the public comments received on the tentative determination of partial program adequacy and EPA's responses follows. Two comments were received by mail. The first involved questions and concerns of a site-specific nature in several New Jersey counties. Since the questions and concerns raised were specific to either particular facilities or working operations and were not relevant to the State's program as to its equivalency to the federal criteria or overall program adequacy, these questions were not considered in this determination and will not be discussed in this notice. However, concerns were addressed by direct correspondence with the commentor.

The second comment challenged New Jersey's wetlands protection standards. The comment asserted that New Jersey's wetland standards were not "technically comparable" to the Federal Criteria and that the State application "failed to cite regulations" that adequately protect wetlands. It also asserted that New Jersey regulations lack a counterpart to 40 CFR § 258.12(a)(1), which provides significant restrictions on locating solid waste landfill units in wetlands. In addition, the commentor remarked that New Jersey had permitted a particular county landfill expansion in violation of the Federal landfill criteria.

The New Jersey application identified and discussed its wetlands regulations as they appear in N.J.A.C. 7:26, the solid waste requirements, as well as N.J.A.C. 7:7A, the Freshwater Wetlands Protection Act Rules. The narrative portion of the New Jersey application clearly states that the New Jersey Department of Solid Waste Management shall issue a freshwater wetlands or open water fill permit only if it finds that there is no practicable alternative to the proposed activity. The rules apply to sanitary landfills proposing to engage in regulated activities set forth in N.J.A.C. 7:7A. Subsequent to the public hearing, New Jersey again addressed this issue in correspondence with EPA and reaffirmed that New Jersey regulations are consistent with the federal approach.

As to the matter of the particular county landfill expansion, it is EPA's understanding that the owner/operator of the facility in question has not received a permit to proceed with these activities. Furthermore, EPA's responsibility in this matter is only directed to a determination concerning the adequacy of the State permit program.

**C. Decision**

After reviewing the public comments, I conclude that New Jersey's application for a partial program adequacy determination meets all of the statutory and regulatory requirements established by RCRA. Accordingly, New Jersey is granted a partial program determination of adequacy for the following areas of its municipal solid waste permit program: location restrictions, operating criteria, design criteria, closure and post-closure care, and financial assurance criteria.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of Section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR Part 258 independent of any State/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the relevant portions of the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

Today's action takes effect on the date of publication. EPA believes it has good cause under section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), to put this action into effect less than 30 days after publication in the Federal Register. All of the requirements and obligations in the State's program are already in effect as a matter of State law. EPA's action today does not impose any new requirements that the regulated community must begin to comply with. Nor do these requirements become enforceable by EPA as federal law. Consequently, EPA finds that it does not need to give notice prior to making its approval effective.

***Compliance With Executive Order 12291***

The Office of Management and Budget has exempted this notice from the requirements of Section 3 of Executive Order 12291.

***Certification Under the Regulatory Flexibility Act***

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this final approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This notice, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of Section 4005 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6946.

Dated: November 7, 1995.  
William J. Muszynski,  
*Deputy Regional Administrator.*  
[FR Doc. 95-29740 Filed 12-5-95; 8:45 am]  
BILLING CODE 6560-50-P

[OPP-42075; FRL-4968-7]

**Oregon Plan for Certification of Pesticide Applicators**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of intent to approve Amendment to Oregon Certification Plan.

**SUMMARY:** On March 30, 1976, EPA announced approval of the Oregon plan for the certification of applicators of restricted use pesticides. Oregon has submitted an amendment to this certification plan to permit certification of applicators of 1080 Livestock Protection Collars (LPC). Notice is hereby given of the intention of EPA to grant approval of this amendment. **DATES:** Written comments should be submitted on or before January 22, 1996. **ADDRESSES:** Send written comments, identified by docket control number "OPP-42075" to Allan Welch, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Eighth Floor, Seattle, WA 98101.

The comments received pursuant to this notice will be available at the aforementioned location from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: [welch.allan@epamail.epa.gov](mailto:welch.allan@epamail.epa.gov). Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number "OPP-42075." No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under the SUPPLEMENTARY INFORMATION unit of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with